S. HRG. 101-117

CONVEYANCE OF LAND IN IDAHO TO MR. AND MRS. BLEVINS; ACQUISITION OF LAND ADJACENT TO ROCKY MOUNTAIN NATIONAL PARK; AND REMOVAL OF RESTRICTION AND CONVEYANCE OF LAND IN ROANOKE, VA, FOR STATE VETERANS NURSING HOME

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 267

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN IDAHO TO MR. AND MRS. KENNETH BLEVINS OF KUNA, ID

S. 737

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS ADJACENT TO THE BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK IN THE STATE OF COLORADO

H.R. 310

TO REMOVE A RESTRICTION FROM A PARCEL OF LAND IN ROANOKE, VA, IN ORDER FOR THAT LAND TO BE CONVEYED TO THE STATE OF VIRGINIA FOR USE AS A VETERANS NURSING HOME

MAY 18, 1989

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S311-52.

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CONVEYANCE OF LAND IN IDAHO TO MR. AND MRS. BLEVINS; ACQUISITION OF LAND ADJACENT TO ROCKY MOUNTAIN NATIONAL PARK; AND REMOVAL OF RESTRICTION AND CONVEYANCE OF LAND IN ROANOKE, VA, FOR STATE VETERANS NURSING HOME

THURSDAY, MAY 18, 1989

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:37 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Timothy E. Wirth, presiding.

OPENING STATEMENT OF HON. TIMOTHY E. WIRTH, U.S. SENATOR FROM COLORADO

Senator WIRTH. Could the committee please come to order?

The purpose of this morning's hearing is to receive testimony on three measures currently pending before the Subcommittee on Public Lands, National Parks and Forests. The measures are S. 737, a bill to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park; S. 267, a bill to authorize the Secretary to convey certain lands in the State of Idaho to Mr. and Mrs. Kenneth Blevins, and H.R. 310, a bill to remove a restriction on land in Roanoke, Virginia, so the land can be conveyed to the State of Virginia for use as a veterans' nursing home.

Without objection, all three measures will be placed in the hearing record at this point, and that will remain open for a couple of weeks for any further testimony.

[The text of the bills follow:]

II

101ST CONGRESS
1ST SESSION

S. 267

To authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 3), 1989

Mr. SYMMS (for himself and Mr. MCCLURE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Interior shall convey to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other

mineral deposits, in and to a parcel of public land described as the East half, Southeast Quarter (E½SL¼) of Section 33, Township 2 North, Range 1 East, of the Boise Meridian in Ada County, Idaho.

○

II

101ST CONGRESS
1ST SESSION

S. 737

To authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, JANUARY 3), 1989

Mr. WIRTH (for himself and Mr. ARMSTRONG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, or by exchange, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled, "Proposed Additions, Rocky Mountain National Park", numbered 121–80,106 and dated February 1989, which map shall be on file and available for public inspection in the Office of the

National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

○

II

101ST CONGRESS
1ST SESSION

H. R. 310

To remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

IN THE SENATE OF THE UNITED STATES

APRIL 13 (legislative day, JANUARY 3), 1989

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTION.

(a) IN GENERAL.—Subject to section 2, the Secretary of the Interior shall execute such instruments as may be necessary to remove the restriction that the parcel of land described in subsection (b) be used exclusively for public park or public recreation purposes in perpetuity on the condition that

the city of Roanoke, Virginia, transfer such land to the State of Virginia for use as a veterans nursing home.

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is that parcel known as Veterans Park which is comprised of approximately 16.8 acres and was conveyed to the city of Roanoke, Virginia, by the United States on June 25, 1980 (recorded in the city of Roanoke Deed Book 1455, page 1154).

SEC. 2. LIMITATION ON REMOVAL.

The Secretary of the Interior may not remove the restriction described in section 1(a) if, within 4 years after the date of enactment of this Act, the State of Virginia has not committed funds with respect to the parcel described in section 1(b) in an amount sufficient—

(1) to comply with the State's obligation under section 5035 of title 38, United States Code (relating to applications with respect to projects; payments), or

(2) to construct, without a Federal grant, a veterans nursing home.

SEC. 3. REVERSION.

If, after the removal of the restriction described in section 1(a), the parcel referred to in section 1(b) ceases to be

used for the purposes of a veterans nursing home, the parcel shall revert to the United States.

Passed the House of Representatives April 11, 1989.

Attest: DONNALD K. ANDERSON,

Clerk.

Senator WIRTH. The first witness that we have this morning, and we are very pleased to have you here, Senator Warner, to fill us in on H.R. 310 and its Senate equivalent. I see you are accompanied by one of your grateful constituents, one of your good constituents. We are delighted to have you here. Please proceed in whatever way you think is appropriate, sir. It is an honor for us to have you here.

STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman. It is a pleasure to be back before this committee on which I was privileged to serve for many years, and I welcome the courtesies extended by yourself and my distinguished long-time friend, the ranking member from Idaho, Senator McClure.

I have asked my good friend, Mr. Glynn, to join me. He is Co-Chairman of the Legislative Committee, Department of Virginia Veterans of Foreign Wars. I would ask that our testimony by both this Senator from Virginia and Mr. Glynn be incorporated in the record in its entirety without objection, and I will proceed to summarize briefly what this bill would do.

Senator WIRTH. Without objection.

Senator WARNER. I have been working with the veterans' organizations and the city fathers and officials of the Roanoke Valley for some time and also with the Department of Interior on this critical legislation.

In 1980, Mr. Chairman, the Department of the Interior conveyed 16 acres of land to the city of Roanoke exclusively for public park or recreational purposes. The deed restrictions further provided that this land could not be sold, leased or otherwise disposed of except to another governmental agency for public park or recreational purposes.

My legislation, S. 284, which is the counterpart to the bill before you, would remove this restriction on the condition that the city of Roanoke—and this is important, Mr. Chairman—transfer the land to the State of Virginia for use as a site of a very badly needed veterans' home. We just simply do not have a home like this in our area, and it is long overdue. And I thank Mr. Glynn and many other veterans and, indeed, my dear friend, former Congressman Dan Daniels who worked so many years to bring about this home.

We are very near to it, and we are now coming before the Congress simply to get a technical amendment to an existing law since the Commonwealth of Virginia can proceed with this home.

Presently, this property has not been developed as a park or a recreational area or developed in any way by the city of Roanoke other than the erection of a chain link fence around its perimeter which was necessary.

Mr. Chairman, on January 11, 1988, the Roanoke City Council adopted a resolution, a copy of which has been provided to this committee which establishes the city's intention to convey this property to the Commonwealth of Virginia for use as the site of the state veterans' home and urges the Congress to remove the deed restriction. Therefore, all parties are in agreement.

In February 1989 the Virginia General Assembly included in the State budget the sum of $6.8 million sufficient to match Federal funds for the construction of the veterans home. The Department of Veterans' Affairs has assured the Commonwealth that Virginia has priority to receive Federal matching funds.

Mr. Chairman and members of the committee, as you can see, the city of Roanoke and the Commonwealth of Virginia are in agreement concerning the use of this land, and the Department of Veterans Affairs is prepared to provide the matching funds.

Additionally, as you also are well aware, the House of Representatives Committee on Interior and Insular Affairs has already favorably reported the legislation. Furthermore, I am sure that you all remember Congressman Dan Daniels, whom I mentioned earlier. I might add that the veterans 'home is to be named in honor of Dan Daniels and will officially be called the Dan Daniel Memorial and Veterans Domiciliary and Nursing Home.

Mr. Chairman, there are 35 States which have a total of 55 State veterans' home. Virginia, with nearly 700,000 veterans, has none. This simply is not good judgment for veterans.

The passage of this legislation is a vital step in making a State veterans' home for the Commonwealth of Virginia a reality.

I thank the committee for the opportunity to testify and urge you on behalf of the 700,000 veterans of Virginia that the committee favorably consider this legislation.

I reminisce, Mr. Chairman, about the days I was in the United States Navy, and I see the distinguished chairman, Mr. McClure—we were both in the Navy at about the same time. He is but a few days senior to me.

Senator MCCLURE. Do not forget that.

Senator WARNER. I will not forget that, Mr. Chairman. I then had the opportunity to go ahead and serve in the Marine Corps during the Korean War and while I am not ready to retire, Mr. Chairman—as a matter of fact I am up for reelection—I bring to the attention of the Chair and the members of the committee, there could be a time when I might comfortably look toward this home as a place to enjoy Virginia in my final years.

So I come before the committee, as we say, with some slight bias, personal bias in this matter. I thank the Chair.

[The prepared statements of Senator Warner and Mr. Glynn follow:]

JOHN WARNER
VIRGINIA

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ARMED SERVICES
SELECT COMMITTEE ON INTELLIGENCE
ENVIRONMENT AND PUBLIC WORKS
SPECIAL COMMITTEE ON AGING

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MAY 18, 1989

STATEMENT OF THE

HONORABLE JOHN W. WARNER, U.S.S.

BEFORE THE SUBCOMMITTEE ON

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE THIS MORNING TO VOICE MY SUPPORT FOR THIS LEGISLATION WHICH WILL REMOVE THE DEED RESTRICTIONS FROM A PARCEL OF LAND IN ROANOKE, VIRGINIA, IN ORDER FOR THIS LAND TO BE CONVEYED TO THE COMMONWEALTH OF VIRGINIA FOR USE AS THE SITE OF THE STATE VETERANS HOME.

I HAVE BEEN WORKING WITH VETERANS IN MY STATE AND OFFICIALS OF THE U.S. DEPARTMENT OF INTERIOR FOR SOME TIME ON THIS IMPORTANT MATTER.

IN 1980, THE DEPARTMENT OF THE INTERIOR CONVEYED 16.8 ACRES OF LAND TO THE CITY OF ROANOKE EXCLUSIVELY FOR PUBLIC PARK OR RECREATIONAL PURPOSES. THE DEED RESTRICTIONS FURTHER PROVIDED THAT THIS LAND COULD NOT BE SOLD, LEASED OR OTHERWISE DISPOSED OF EXCEPT TO ANOTHER GOVERNMENT AGENCY FOR PUBLIC PARK OR RECREATIONAL PURPOSES. MY LEGISLATION, S. 284, WHICH IS THE COUNTERPART TO THE BILL BEFORE YOU, WOULD REMOVE THIS RESTRICTION ON THE CONDITION THAT THE CITY OF ROANOKE TRANSFER THE LAND TO THE STATE OF VIRGINIA FOR USE AS THE SITE OF THE VETERANS HOME.

PRESENTLY, THIS PROPERTY HAS NOT BEEN DEVELOPED AS A PARK OR RECREATIONAL AREA OR DEVELOPED IN ANY WAY BY THE CITY, OTHER THAN THE ERECTION OF A CHAIN LINK FENCE AROUND THE PERIMETER.

MR. CHAIRMAN, ON JANUARY 11, 1988, THE ROANOKE CITY COUNCIL ADOPTED A RESOLUTION (A COPY OF WHICH HAS BEEN PROVIDED TO YOUR SUBCOMMITTEE) WHICH ESTABLISHES THE CITY'S INTENT TO CONVEY THIS PROPERTY TO THE COMMONWEALTH FOR USE AS THE SITE OF THE STATE VETERANS HOME AND URGES THE CONGRESS TO REMOVE THE DEED RESTRICTION.

IN FEBRUARY 1989,THE VIRGINIA GENERAL ASSEMBLY INCLUDED IN THE STATE BUDGET A SUM ($6.8M) SUFFICIENT TO MATCH FEDERAL FUNDS FOR THE CONSTRUCTION OF THIS VETERANS HOME. THE DEPARTMENT OF VETERANS AFFAIRS HAS ASSURED THE COMMONWEALTH THAT VIRGINIA HAS PRIORITY TO RECEIVE FEDERAL MATCHING FUNDS.

MR. CHAIRMAN, AS YOU CAN SEE, THE CITY OF ROANOKE AND THE COMMONWEALTH OF VIRGINIA ARE IN AGREEMENT CONCERNING THE USE OF THIS LAND AND THE DEPARTMENT OF VETERANS AFFAIRS IS PREPARED TO PROVIDE THE MATCHING FUNDS. ADDITIONALLY, AS YOU ARE WELL AWARE, THE HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HAS ALREADY FAVORABLY REPORTED THE LEGISLATION. FURTHERMORE, I AM SURE THAT YOU ALL REMEMBER CONGRESSMAN DAN DANIEL. I MIGHT ADD THAT THE VETERANS HOME IS TO BE NAMED IN HONOR OF DAN AND WILL OFFICIALLY BE CALLED THE DAN DANIEL MEMORIAL AND VETERANS DOMICILIARY AND NURSING HOME.

MR. CHAIRMAN, THERE ARE 35 STATES WHICH HAVE A TOTAL OF 55 STATE VETERANS HOME. VIRGINIA, WITH NEARLY 700,000 VETERANS HAS NONE. THIS SIMPLY DOES NOT MAKE SENSE. THE PASSAGE OF THIS LEGISLATION IS A VITAL STEP IN MAKING A STATE VETERANS HOME FOR THE COMMONWEALTH OF VIRGINIA A REALITY.

I THANK THE COMMITTEE FOR THE OPPORTUNITY TO TESTIFY AND URGE, ON BEHALF OF THE 700,000 VETERANS OF VIRGINIA, THAT THE COMMITTEE FAVORABLY CONSIDER THIS LEGISLATION.

Dirksen Senate Office Building
The Capitol
Washington, D.C.

18 May 1989

Ref.HR 310

A Bill to convey 16.8 acres to Commonwealth of Virginia for State Veterans Home at Roanoke.

My name is Ernest B. Glynn. I am the Co-Chairman of the Legislative Committee of the Department of Virginia, Veterans of Foreign Wars. We are an organization of 35,000 members and we have an additional 9,000 members in our Ladies Auxiliaries. I believe that both Senator Warner and Senator Robb are members of our organization.

I appreciate the opportunity to be here this morning to make this statement.

For several years the Veterans of Foreign Wars has urged the Virginia General Assembly to participate in making available to the veterans of Virginia the same type of facilities enjoyed by 37 other states, with a total of 57 such homes for veterans throughout the U.S. Many of these homes were opened shortly after the close of the Civil War It is interesting to note that not one state that has had such a state owned and operated home has ever closed its doors.

Finally, in 1989, the Virginia General Assembly voted to appropriate $6.8 million to construct a veterans Domiciliary/Nursing Home. Because Virginia does not have any such facility, we are now in Priority One to receive $11.5 million of the Federal matching share of the Capital Construction Cost from 1990 Federal Funds, which we are told will be available in October 1989 from the Department of Veterans Affairs, Division of Medicine and Surgery.

The bill before you this morning will convey a 16.8 acre site at Roanoke to the State of Virginia for use as the first state owned and operated veterans home in Virginia. For us this is a major step in demonstrating to the Veterans of Virginia that the Commonwealth of Virginia really does care about her 671,000 veterans, plus their dependents and survivors.

We, therefore, most respectfully urge you to vote to pass this bill.

Respectfully submitted,

Ernest B. Glynn

Ernest B. Glynn,
Co-Chairman, Legislative Committee
Department of Virginia, Veterans of Foreign Wars
4306 Ferry Landing Road, Alexandria, VA 22309
1-703-780-2240

Senator WARNER. I wonder if I could just ask Mr. Glynn if he would add a word or two? He has worked so hard on this project.

STATEMENT OF ERNEST B. GLYNN, COCHAIRMAN, LEGISLATIVE COMMITTEE, DEPARTMENT OF VIRGINIA VETERANS OF FOREIGN WARS

Mr. GLYNN. Thank you, Mr. Chairman. Thank you, Senator Warner. We have worked hard on this. We have had a difficult time to convince the General Assembly of Virginia that if the veterans of Virginia are entitled to anything, the Federal Government will provide it for them. My response to that and the position of the Veterans of Foreign Wars is there never has been enough money in the Federal Government, there never will be enough money in the Federal Government to do that. In fact, many States, immediately following termination of the Civil War, took over the administration of the homes for veterans. No State that has ever owned and operated a State veterans' home and domiciliary has ever closed its doors. Yet Virginia has never had a State veterans home.

Senator WARNER. Thanks to you, we are about to have one.

Mr. GLYNN. Thank you. With the help of Senator Warner and many of our good friends, we have waded through the bureaucracy, and Virginia stands today in first place to receive in October of 1989 the $11.5 million Federal share to match the $6.8 million appropriated by our 1989 General Assembly. There were $42 million in the budget, according to Mr. Brent Baker of the Veterans' Administration, Department of Medicine and Surgery, 810 Vermont Avenue, $42 million in that budget. And because the State of Tennessee was unable to guarantee that no further legislative action was necessary by them, we moved to top position and priority one.

This request of technical constraint and the utilization of the property and stipulates that if the property is not used for a veterans' domiciliary home, it cannot be used for any other purpose. The veterans of Virginia want that, and we intend to leave no stone unturned to see to it that that is the single, sole purpose of your action here today. And I thank you very much.

Senator WIRTH. We thank you very much for being here, sir.

Senator Warner, we thank you very much.

Senator McClure, do you have any further comments for the good of the order on this?

Senator MCCLURE. Mr. Chairman, only that I certainly welcome the presentation today and certainly am glad to see Senator Warner back before this committee, on the other side of the table this time, here.

Senator WARNER. There may be a day I shall return.

Senator WIRTH. Senator Warner, thank you very much. Mr. Glynn, we thank you very much and appreciate your help.

Mr. GLYNN. The door to the home and domiciliary is always open.

Senator WARNER. Thank you.

Senator WIRTH. I think it is appropriate at this point to move to consideration of S. 737. Let us move right to the Idaho situation. I believe this is S. 267.

Mr. Burford, we are delighted to have you here, to have you with us. This, as you know, Senator McClure, may very possibly be Bob Burford's last appearance in front of this committee as BLM Director. And Bob, we are delighted to have you here this morning, and we also want to express our collective appreciation for the great commitment that you have had for such a long period of time to the Bureau of Land Management and to the citizens of the State of Colorado and the United States. We are delighted to have you here, and I hope that you will proceed in whatever way you think is appropriate. But before doing so, let me ask Senator McClure for any comments he might have on S. 267.

Senator MCCLURE. Mr. Chairman, without burdening the committee's time on the bill, I will wait until the witness has made his statement before making comments on the bill.

But I do want to pick up on your commendation of Mr. Burford. Eight years of service in a very tough seat, and I think maybe one of the best ways to measure performance is how little controversy there has been. Discussion, sometimes disagreement, but very, very few times has the BLM been in court in the same way that other agencies have been for the period of time that Bob Burford has been at the helm down there. And I think that says he has done his work well, he has met with all the parties, they have had their day in court in the process of making decisions. And perhaps the toughest, at least the most thankless of all, was the wild horse and burro program which I think is on track, with some very, very constructive alternatives now being utilized. And I commend the Director for all the work that has been done over all the years in the many, many issues that affect your state, Mr. Chairman, and mine. You are welcomed here. We are sorry to say it may be indeed your last appearance as director.

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. BURFORD. Oh, don't be surprised if I come back.

Senator WIRTH. Mr. Burford, we will include your statement in full in the record. You might want to summarize in whatever way you think would be most appropriate.

Mr. BURFORD. As usual, I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on H.R. 310. I see that Senator Warner has left the room. I meant to congratulate him on his perspecacity in leaving the Navy and joining the Marine Corps, but that is probably not necessarily pertinent to the testimony here.

H.R. 310 would remove a restriction in a deed from the United States to the city of—oh, I have the wrong testimony.

Senator WIRTH. We will put them all in the record if you want, Mr. Burford. Other than reading it—we will put it right in here—are there any nonformal comments you might like to make on this?

Mr. BURFORD. I concur with Senator Warner and the testimony that came ahead of me and would only add one thing—that this 16.8 acre parcel of land was originally intended to be used exclusively for public park or public recreation, and the bill removes

that exclusion and allows the land to go to the State from the city of Roanoke. They are going to transfer it to the State for the purposes heretofore stated.

Senator WIRTH. That is all squared away with you all?

Mr. BURFORD. Yes.

Senator WIRTH. Great. Let us move to S. 267, the great State of Idaho. We are on our way to Idaho. We move out smartly to Idaho, then move on to Colorado. Then move out into the beautiful spring day if we can. Is that right, Senator McClure?

Mr. BURFORD. I would like the statement as I read it entered into the record. I have made one small correction.

Senator WIRTH. It will all be included in full in the record, Mr. Burford.

Mr. BURFORD. S. 267 would direct the Secretary of the Interior to convey to Mr. and Mrs. Blevins——

Senator WIRTH. Mr. Burford, you do not have to read the whole statement. We will put it in the record. Is there anything else you would like to add?

Mr. BURFORD. There is one deletion on page 2, the first line in the second paragraph on that page as S. 267 makes no provision for payment of administrative costs which we believe should be borne by the benefactors, Mr. and Mrs. Blevins. That is a correction from the testimony as originally written. We think that if this had come under a color of title case, and the taxes had been paid over the last 28 years there would be no charge for the land under color of title action. So we do not think that they should have to pay for the land. That was called to my attention by Senator McClure.

[The prepared statements of Mr. Burford follow:]

MAY 18 1989

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 267, A BILL "TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN IDAHO TO MR. AND MRS. KENNETH BLEVINS OF KUNA, IDAHO."

I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on S. 267.

S. 267 would direct the Secretary of the Interior to convey to Mr. and Mrs. Blevins, by quitclaim deed or other appropriate instrument, and without consideration, title to approximately 80 acres of public land in Ada County, Idaho. Oil, gas, and other mineral deposits would be reserved to the United States.

This is our understanding of the facts leading to the introduction of this bill. In 1904, a Reclamation Homestead entry was filed on 160 acres, including the 80 acres that are the subject of this bill. The westerly 80 acres of the tract was patented in 1919. However, the easterly 80 acres, now occupied by the Blevins, was never patented and is still under a Bureau of Reclamation withdrawal. In November 1929, that 80 acre tract was quitclaimed to a private party by the Ada County probate judge. Apparently the tract's status as a reclamation homestead was overlooked and the tract was assumed to be in private ownership. In 1961, the unpatented 80 acre tract was transferred to Kenneth Blevins' father, and in 1973, Kenneth Blevins received a warranty deed to this tract from his father. The Blevins family has occupied the 80 acre parcel since 1961 and has paid property taxes.

Administrative remedies are not available for resolution of the matter by either the Bureau of Land Management or the Bureau of Reclamation.

We would have no objection to enactment of S. 267 if amended as we suggest.

S. 267 makes no provision for payment for the tract or for payment of administrative costs which we believe should be borne by the benefactors - Mr. and Mrs. Blevins. No benefits enure to the United States. Since the bill provides for conveying all right, title and interest of the United States, the document of conveyance would, of course, be subject to any valid existing right that may appertain to the lands.

The legal description on line 2, page 2, contains an error. It should read, "E 1/2 SE 1/4."

This concludes my prepared statement. I will be pleased to answer questions.

MAY 18 1989

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 310, AN ACT "TO REMOVE A RESTRICTION FROM A PARCEL OF LAND IN ROANOKE, VIRGINIA, IN ORDER FOR THAT LAND TO BE CONVEYED TO THE STATE OF VIRGINIA FOR USE AS A VETERANS NURSING HOME."

I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on H.R. 310.

H.R. 310 would remove the restriction in a deed from the United States to the City of Roanoke, Virginia, that the land be used exclusively for public park or public recreation purposes. Removal of this restriction would permit the City to transfer the parcel to the Commonwealth of Virginia for use as a veterans nursing home.

Section 1(a) would direct the Secretary of the Interior to execute such instruments as may be necessary to remove the restriction that the 16.8 acre parcel of land, known as Veterans Park in Roanoke, Virginia, be used exclusively for public park or public recreation purposes in perpetuity. Removal of the restriction would be on the condition that the City transfer the land to the Commonwealth of Virginia for use as a veterans nursing home, and would be subject to the terms of section 2.

Section 2 provides that the Secretary may not remove the restriction if, within 4 years after enactment, the Commonwealth of Virginia has not committed funds to the parcel sufficient either to comply with the State's funding obligation for a grant application under 38 U.S.C. 5035, or to construct a veterans nursing home without a Federal grant.

Section 3 would provide for reversion to the United States if, after removal of the restriction, the parcel ceases to be used for the purposes of a veterans nursing home.

We have no objection to removal of the restriction on use and the transfer of the parcel to the Commonwealth of Virginia for use as a veterans nursing home. This location would place the veterans nursing home conveniently and appropriately adjacent to a veterans hospital.

Consistent with the Administration's policy on lands conveyed to local governments for public purposes, the bill adequately provides for the return of the property to the United States in the event it is not used as a veterans nursing home.

The removal of the reverter provision will not modify or affect any other applicable reservations, exceptions, restrictions, conditions or covenants that are contained in the deed to the city.

This concludes my prepared statement. I will be pleased to answer questions.

Senator McCLURE. Your testimony is to delete that sentence of your prepared statement?

Mr. BURFORD. The deletion is from behind the first "for", it deletes "payment for the tract or for". It then reads, "* * * makes no provision for payment of administrative costs, which we believe should be borne by the benefactors, Mr. and Mrs. Blevins." That would include conveying title and such things as that. We think that that should be in there.

There is an error in a legal description in the bill on line 2, page 2. It should read, "* * * the east half of the southeast border".

Senator WIRTH. Without objection, the legislation will be changed accordingly.

Mr. BURFORD. I submit that the testimony as written, as entered and as corrected, is the correct testimony.

Senator WIRTH. Senator McClure, did you have any comments you might like to make on S. 267?

Senator McCLURE. I thank the Chairman for expediting this matter. I will not take your time other than to thank the Department for a sensitive response to us and a situation that ought to be corrected that apparently existed since 1904, certainly since 1961. Under either scenario, it ought to be corrected. So I appreciate your testimony.

Senator WIRTH. Thank you.

Mr. Burford, do you have any comments you are here to make on S. 737? I think that is not your baby; it is the Park Service.

Mr. BURFORD. That is a National Park Service bill, and I think this one properly should have been a Bureau of Reclamation bill, but I am glad to appear up here in their place. I think the other one probably should have been a National Park Department bill also, but I am substituting for them.

Senator WIRTH. Thank you very much for being here. We appreciate it. Mr. Thompson——

Senator McCLURE. Mr. Chairman, might I just ask unanimous consent that a letter from the Bureau of Reclamation dated September 7, 1988, addressed to the Honorable Steven Sims, be inserted in the record in full at this point.

Senator WIRTH. Excellent. It will appear in the record at this point.

[The letter referred to follows:]

United States Department of the Interior

BUREAU OF RECLAMATION
WASHINGTON, D.C. 20240

IN REPLY REFER TO: 5122

SEP 7 1988

SEP 21 RECD

Honorable Steve Symms
United States Senate
Washington, D.C. 20510

Dear Senator Symms:

Thank you for your letter of August 20, 1988, in which you asked us to ~~review~~ your proposed bill which would convey title to 80 acres remaining in a homestead application to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho. We have included in the following suggested revision of the Bill those additions we believe necessary for the benefit of the United States.

A BILL

To authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Interior shall convey to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho, by quitclaim deed or other appropriate instrument and without consideration, all right, title and interest of the United States, excluding oil, gas, coal, and other mineral deposits, in and to a parcel of public land described as the East Half, Southeast Quarter (E1/2SE1/4) of Section 33, Township 2 North, Range 1 East, of the Boise Meridian in Ada County, Idaho.

We appreciate your interest in this matter.

Sincerely yours,

C Dale Duvall

C. Dale Duvall
Commissioner

Senator WIRTH. Mr. Burford, thank you for being with us.

Before proceeding with our first witness, I would like to make a few brief remarks about S. 737. Senator Armstrong and I introduced this bill to take advantage of a very happy opportunity. The land which would be added to Rocky Mountain National Park by this bill was threatened with development that I personally believe would have been very damaging to the resources of the park, and would have taken place on lands that clearly should be part of the park.

The happy opportunity comes not from the threat, but from the generosity of a private organization and its donors who have raised the funds to purchase this property with private funds and give it to the Park Service. I am pleased to be able to help make this happen.

Mr. Thompson, we welcome you and thank you again for all of your very good work on behalf of Rocky Mountain National Park and the Park Service overall. We are delighted to have you with us.

Your statement will be included in full in the record. Is there material other than that which is in your statement that you think should be added to the record?

I have a couple of questions I would like to submit for the purposes of the record on this legislation in colloquy between the two of us on some of the general area in this, particularly the Circle C Ranch.

STATEMENT OF JAMES THOMPSON, SUPERINTENDENT, ROCKY MOUNTAIN NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. THOMPSON. I don't have anything other than what is in this statement, beyond the prepared statement.

[The prepared statement of Mr. Thompson follows:]

STATEMENT OF MR. JAMES B. THOMPSON, SUPERINTENDENT, ROCKY MOUNTAIN NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 737, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE LANDS ADJACENT TO THE BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK, COLORADO.

MAY 18, 1989

Mr. Chairman, it is a pleasure to appear before this Committee today to present the Administration's views on S. 737, which, if enacted, would authorize the Secretary of the Interior to acquire certain lands adjacent to Rocky Mountain National Park for inclusion within the boundaries of that park in Colorado.

We recommend that S. 737 be enacted if amended as we suggest herein.

Rocky Mountain National Park, located a mere 65 miles north of Denver, Colorado, is one of the most popular and easily accessed of our national parks as is evidenced, in part, by its annual visitation of some 3 million people. Estes Park, Colorado, a "gateway" community on the eastern boundary of the park, is growing rapidly. This growth is due in part to an expanding permanent population as well as to an increasing demand for second homesites. Scenic open space adjacent to the park is particularly sought after for such development.

The area proposed for addition to the park in S. 737, consisting of approximately 475 acres in two parcels, is located a short distance south of Estes Park on Highway 7, between the

highway corridor and the current park boundary. Lily Lake is located at the eastern margin of the proposed addition, and would serve as a focal point for the 565-unit housing subdivision that was approved for one of the two parcels by local zoning authorities in 1985. Any development on this parcel would have the park as its principal backdrop. In addition, these private lands, if developed, would sever traditional migration routes to winter range for deer and elk.

Acquisition of the parcel containing Lily Lake would be conditioned on the retention by the present owner of 72% of the water rights associated with the lake. While we would prefer to have these lands unincumbered, we have no objection to this arrangement.

A major portion of this proposed addition lies within the Roosevelt National Forest. We are assured by Forest Service officials that they have no objection to this boundary adjustment, which, in part, reverses a boundary change which took place in 1926. In this regard, however, we suggest an amendment to read as follows:

> Sec. 2. Effective upon the inclusion of such lands within the boundary of the park, the boundary of the Roosevelt National Forest, Colorado is hereby revised to exclude such lands from the national forest.

Mr. Chairman, we further recommend that S. 737 be amended to permit acquisition of these lands by donation only. We understand that efforts are currently underway by private citizens to acquire these properties for donation to the National Park Service. In addition, it would be neither realistic nor honest to current or future landowners in this instance to offer hope of rapid acquisition by the Federal government when one considers the tremendous backlog of existing lands within the National Park System previously authorized for acquisition but as yet unacquired.

Mr. Chairman, this concludes my prepared remarks. I will be pleased to respond to any questions you or other Members of the Committee may have.

Senator WIRTH. Then if we might, let me just if I can just go through this one question, if I might, before you, Mr. Thompson, without objection your written statement will be included in full in the record.

I think we want to exchange some thoughts here if we can on the record about a third parcel of land within this area along the eastern boundary of Rocky Mountain National Park that would be suitable and, in fact, desirable for addition to the park under the same provisions as are contained in S. 737. Would you tell us something about this property and that which leads you to believe that it should also become part of the park?

Mr. THOMPSON. Are you speaking of the Circle C?

Senator WIRTH. Yes, the Circle C Ranch.

Mr. THOMPSON. Circle C is a 40-acre tract which is bordered on two sides by the National Park boundary, adjacent to the Longs Peak parking area and campground and that facility. The parking area and the campground are overly crowded so that the parking actually spills onto private lands outside of the park. We have no room to expand within the existing park boundary because of the terrain.

The only potential for expansion is in this 40-acre tract which is relatively flat and is presently for sale.

Senator WIRTH. So what we are doing at this point is including that in the legislation. Is that right? Do we have other things that we want to add to this, counsel? We have questions from Senator Wallop to be submitted for the record, and I think our discussion on this front, Mr. Thompson, is that we want to include just in the colloquy and in the report language the answers and resolution of the questions raised by Senator Wallop, which relate to the allocations of water and how they might be used in a lake adjoining this property, and you are familiar with all of that.

Mr. THOMPSON. Yes, sir.

Senator WIRTH. So we will submit those questions for the record.

Is there anything else that we would like to do for the purposes of the record at this point? I think we are all squared away unless you, Mr. Thompson, have other things that you might want to add.

Mr. THOMPSON. Well, I might say that at this point it appears that a portion of the lands that were to be purchased and donated, that that contract has been signed between the buyer and the seller. And I believe that the closing on that property will be June the 12th. So the acquisition in preparation for donation has already taken place on about 300 acres.

Senator WIRTH. Great. Well, that is further strengthening of the park boundaries. So without objection, that will complete this morning's record on S. 737. And we have those other questions for submission for the record. As soon as we get those done, we can, I hope, take this bill to the committee and to the floor.

Without objection, a statement by Senator Robb on the subject of the H.R. 310 will be included in the record as well.

[The prepared statement of Senator Robb follows:]

Charles S. Robb

Statement of
Senator Charles S. Robb
Subcommittee on Public Lands
May 18, 1989

Mr. Chairman, I appreciate very much having an opportunity to enter into the record a statement in support of H.R. 310, which lifts current park and recreational restrictions on a 16.8 acre tract of land presently owned by the City of Roanoke to allow construction of a state Veterans nursing home. H.R. 310 is identical to S. 284, which the distinguished senior senator from Virginia, Mr. Warner, and I introduced on January 25, 1989.

The proposed site is adjacent to the Veterans Hospital in Salem and was conveyed to the City of Roanoke in 1980 by the United States government with a provision in the deed stipulating that the property be used solely for park and recreational purposes.

Mr. Chairman, in removing this restriction, H. R. 310 is an essential component in a committed and ongoing state and local effort to establish a state Veterans nursing home in Virginia.

In January, 1988, the Roanoke City Council passed a resolution asking the Congress to remove this federal restriction so that the property could be donated to the Commonwealth of Virginia. In February, 1988, the Virginia General Assembly approved legislation authorizing the Governor to accept this property from the City of Roanoke.

During this past session of the Virginia General Assembly, a new item was inserted in the 1989 Appropriations Act authorizing the Governor to release state matching funds not to exceed $6.8 million, contingent upon federal approval of the Capital Project Request before the U.S. Veterans Administration for construction of the nursing home and Congressional removal of the property restriction outlined in H.R. 310.

Mr. Chairman, 664,000 Virginians are veterans, ranking the Commonwealth 13th among the fifty states in total veteran population. The proposed Dan Daniel Veterans Care Center of Virginia -- named after Congressman Dan Daniel, who died in 1987 during his tenth term in the United States House of Representatives -- will provide 148 much needed beds for nursing home care and 76 for domiciliary care. If final approval is secured, it will be the first state Veterans nursing home in Virginia.

It is my hope, Mr. Chairman, that your subcommittee will recommend approval of H.R. 310 to the Committee on Energy and Natural Resources. Your assistance is essential to our continued efforts.

Senator WIRTH. Mr. Thompson, we thank you very much for being with us. The hearing will be adjourned.

[Whereupon, at 9:57 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

RESPONSES TO ADDITIONAL QUESTIONS

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 10 1989

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Senate Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

During the Senate hearing on S.737 held on May 18, 1989, Senator Wallop submitted a series of questions for the record concerning water rights attendant to a boundary expansion for Rocky Mountain National Park in Colorado. We have enclosed responses to these questions for the Committee's consideration.

Sincerely,

Legislative Counsel

Enclosures

SENATOR WALLOP

Questions to the National Park Service regarding S. 737, Rocky Mountain National Park expansion.

1) Lily Lake is fully appropriated under Colorado Water Law. What are these rights? What is the extent, quantity, and purpose of these rights? Are there any conditions as to place of use, purpose of use, or point of diversion?

Response: A brief discussion of the project is in order before the question can be answered. The Conservation Fund has contracted for the purchase of property and water rights forming a portion of Baldpate Estates. Baldpate Estates is in Larimer County adjacent to Rocky Mountain National Park and consists of two parcels lying east and west of State Highway 7. The portion of Baldpate Estates that is under contract is on the west side of the highway and includes Lily Lake. It is anticipated that this 309-acre parcel will eventually be donated by The Conservation Fund to the National Park Service to form an addition to Rocky Mountain National Park. This donation is contingent upon the enlargement of the boundaries of Rocky Mountain National Park to include the acquired property.

Baldpate Estates is currently owned by entities controlled by Mr. Rex G. Baker, Jr. (Bald Pate Ventures). These entities will retain ownership of the portion of the property lying east of State Highway 7. Mr. Baker has obtained preliminary approval of the subdivision of all of Baldpate Estates into numerous single and multi-family residential lots.

Lily Lake is a natural lake that had, in its natural state, a capacity of approximately 75 acre feet. The lake was modified in 1913 by the construction of a dam to increase the capacity to approximately 100 acre feet. If free to do so, the Park Service would prefer to breach the dam and return the lake to is natural level. However, the dam will remain under the terms of the contract.

Mr. Baker and the related entities are also the owners of various water rights associated with Lily Lake and the Baldpate Estates property. These water rights are described as follows:

1. Lily Lake Reservoir -- Decreed in Case No. 80CW104, Water Division No. 1, for 75.44 acre feet absolute, for domestic, commercial, irrigation, stock watering, fire protection, recreation, and fish preservation purposes, with an appropriation date of October 20, 1913.

2. Lily Lake Reservoir First Enlargement and Second Filing -- Decreed in Case No. 84CW576, Water Division No. 1, for 25.16 acre feet absolute and 6 acre feet conditional, for domestic, municipal (including fire protection), commercial, irrigation, stock watering, recreation, and fish preservation purposes, with an appropriation date of July 21, 1915, for the absolute portion and December 20, 1984, for the conditional portion and second filing.

3. Baldpate Spring and Pipeline -- Decreed in Case No. 80CW105, Water Division No. 1, for 1 c.f.s. absolute, for domestic, commercial,

irrigation, stock watering, and fire protection purposes, with an appropriation date of July 21, 1913.

4. Baldpate Well No. 1 -- Decreed in Case No. 82CW125, Water Division No. 1, for 9 g.p.m. absolute, for domestic, municipal (including fire protection), and commercial purposes, with an appropriation date of February 15, 1982.

5. Baldpate Well No. 2 -- Decreed in Case No. 82CW125, Water Division No. 1, for 10 g.p.m. absolute, for domestic, municipal (including fire protection), and commercial purposes, with an appropriation date of March 2, 1982.

6. Baldpate Well No. 3 -- Decreed in Case No. 82CW125, Water Division No. 1, for 25 g.p.m. absolute, for domestic, municipal (including fire protection), commercial, and recreation purposes, with an appropriation date of July 21, 1915.

7. Baldpate Well Nos. 4, 5, and 6 -- Decreed in Case No. 84CW576, Water Division No. 1, each for 25 g.p.m. conditional, for domestic, municipal (including fire protection), and commercial purposes, with appropriation dates of December 20, 1984.

In addition to the above-described water rights, there are two adjudicated augmentation plans associated with the Baldpate Estates property. The first of these, which was decreed in Case No. 82CW125, covers only a few large single family lots platted for development on the east side of the property. The second augmentation plan, decreed in Case No. 84CW576, was designed to provide water for development on both sides of the property, including the property to be acquired by The Conservation Fund.

The division of water rights associated with the Baldpate Estates property is extensively addressed in the purchase contract between The Conservation Fund and Mr. Rex G. Baker, Jr. The goal in drafting this portion of the purchase contract was to obtain for The Conservation Fund the portion of the water rights fairly allocable to the portion of the property being acquired, considering the development plans for both sides of the highway and the fair market value price negotiated with the owner. Pursuant to this agreement, The Conservation Fund will acquire:

1. An undivided 28 percent interest in Lily Lake Reservoir and Lily Lake Reservoir First Enlargement and Second Filing.

2. Baldpate Well No. 3.

3. A portion (8.32 g.p.m) of the water right associated with Baldpate Well No. 6.

4. An undivided 38 percent interest in the augmentation plan decreed in Case No. 84CW576.

Mr. Baker will retain the remaining water rights associated with the Baldpate property.

All maintenance, operational, and rehabilitation responsibility for the dam associated with Lily Lake Reservoir remains with Mr. Baker. Mr. Baker will reserve access easements to the dam and reservoir in order to accomplish these obligations, but must exercise his rights under these easements in a reasonable manner and minimize disturbance to the property. Mr. Baker has the right to reduce the dam, resulting in a reduction of the storage capacity of the reservoir, so long as the lake level does not fall below the natural level. Should Mr. Baker decide to do this, any reduction in storage capacity will reduce the water rights associated with the west side of the property. Mr. Baker has the right to dredge the lake to increase its storage capacity, however, the capacity may not be increased beyond 106.6 acre feet, the sum total of all rights decreed to the lake. Mr. Baker's water rights in the lake may only be used in connection with the decreed augmentation plans, and releases under these plans may not exceed 3.36 acre feet annually.

2) Are these rights being acquired by the Conservation Fund?

Response: A portion of these rights (approximately 28 percent) are being acquired by The Conservation Fund as described in the response to first question.

3) Are these rights going to be transferred to the National Park Service?

Response: It is intended by The Conservation Fund that the portion of water rights acquired by the Fund will be transferred to the National Park Service.

4) Will the State of Colorado agree to such a transfer?

Response: The State of Colorado has no approval authority over the transfer of water rights ownership from one owner to another, unless changes of use or point of diversion are involved. However, there is no reason to believe that the State of Colorado would have any objection.

5) Does the National Park Service plan to exercise those rights?

Response: The National Park Service does plan to exercise its portion of the water rights.

6) Under Colorado law, would a failure to use these water rights lead to abandonment? Could the rights be lost, and if so, would the rights be made available for subsequent appropriation? What would the National Park Service position be with respect to any subsequent appropriation?

Response: Under Colorado water law, appropriative water rights are, by statute, subject to forfeiture proceedings if abandoned for specified periods of time. The forfeiture of United States property rights in water is an issue of law needing clarification. However, in the case of storage rights forfeiture is less likely because of the difficulties in proving abandonment. In any case, the National Park Service intends to exercise the water right through the use of decreed wells and required augmentation releases from the reservoir. Furthermore, Lily lake is a natural lake with added storage capacity. Abandonment and forfeiture would only hold against the storage amount which was added to the lake's natural capacity.

7) Who owns the impoundment structure?

8) Will the structure continue to be privately owned?

Response to questions 7 and 8: The Conservation Fund will acquire the impoundment structure. However, the responsibility for maintenance and operation of the structure will remain with Baldpate Ventures, as explained in the response to the first question.

9) Upon transfer of the property to the National Park Service, will the structure be within the exterior boundaries of the Park?

Response: Upon transfer of the property to the National Park Service, the structure will be within the exterior boundaries of the Park.

10) If the structure is within the exterior boundaries, what would be the impact on the owner's ability to make modifications to the structure in the future? Could the structure be enlarged, and if so, what would be the position of the National Park Service?

Response: Under the purchase agreement, Bald Pate Ventures will be required to make any necessary modifications to the structure in the future as might be required for safety or operations. The structure cannot be enlarged under this agreement; however, storage capacity could be increased up to the decreed amount through dredging.

11) What are the purposes of the structure? Could the purposes be expanded (i.e., hydro, irrigation, etc.)?

Response: The purposes of the structure will be limited to augmentation in those water rights remaining with Bald Pate Ventures. The Conservation Fund portion of the rights are not limited. Furthermore, while Colorado water law does allow for changes in the nature of beneficial use in existing water rights, such changes are subject to State approval. Approval is given contingent upon assurance of non-injury to potentially affected senior and junior appropriators. This would include water rights of The Conservation Fund.

12) Absent the transfer, who would have jurisdiction on changes to the structure or the purposes for its existence?

a) What is the effect of including the structure within the Park boundaries on that process?

b) Will the Secretary of Interior have to approve any changes?

Response: The State Water Court, Division No. 1 would have jurisdiction over purposes and uses. Including the structure within the Park boundaries would have no effect on that process. The Secretary of Interior would have responsibility for safety inspections and would have to approve any changes that could lead to Federal liability.

13) What is the condition of the structure?

Response: A number of studies by private consulting firms and the State Engineers Office have indicated what work needs to be done to receive State approval. This work is now being performed and the condition of the dam is satisfactory.

14) Will the Federal Government assume any responsibility for safety and inspection as a result of this transfer?

Response: The responsibility for keeping the dam in compliance with safety regulations is that of Bald Pate Ventures. The Federal Government does assume responsibility for joint inspections of dams within the park regardless of ownership.

15) Currently, are there any federal loans or other programs applicable to the structure?

Response: The title search has disclosed no Federal loans or other Federal programs applicable to the structure.

16) Who owns the Lake bed?

Response: This is an arguable, legal question because the navigability of the lake has never been determined. However, the natural lake would periodically dry up. The water is shallow even within impoundment and no boating activity has existed. There is no reason to believe that the lake would be considered navigable, and, therefore, the lake bed would be owned by Bald Pate Ventures, would be acquired by The Conservation Fund, and would ultimately be owned by the National Park Service.

17) If the Lake bed is owned by the State of Colorado, what jurisdiction would the National Park Service have to regulate activities on the surface of the Lake?

Response: Because we believe the lake bed will be owned by The Conservation Fund and ultimately the National Park Service, the activities on the surface of the lake would be managed by the National Park Service under proprietary jurisdiction.

18) What water rights from the Lake will be retained by non-federal interest after transfer?

Response: Approximately 78 percent of the water rights from the lake will be retained by Bald Pate Ventures, the present owner. This is explained in detail in the response to the first question. The purposes of these water rights will be for augmentation of streamflows from Fish Creek as directed by the State.

19) What access is necessary for any non-federal interest for the use of those rights? Does the National Park Service have any problems with such access?

Response: The purchase agreement grants an access easement to Bald Pate Ventures for the purpose of exercising the use of the water rights and for the purposes of repair and maintenance of the impoundment structure. This provision was negotiated with the concurrence of the National Park Service. The National Park Service did not feel that it was appropriate for the Federal Government to operate and maintain a dam whose purpose was to serve a subdivision outside the park, and those responsibilities should remain with the subdivision owners, i.e., Bald Pate Ventures.

20) Upon completion of the transfer, how does the National Park Service plan to manage these lands? What specifically is the Service going to do with this property? Does the acquisition of these properties present any management problems? Will such an acquisition lead to proposals and/or requirement for additional lands?

Response: Upon completion of the transfer, the National Park Service will prepare a planning document to determine specific land uses and locations. The uses will most likely include access to existing trails, construction of additional trails, trailhead parking, picnicking, and fishing. The acquisition of this property will actually eliminate some management problems that would have been created if the property were developed. In addition, access to portions of the park where access was previously difficult will now be provided. The acquisition of this property stands on its own merits and does not imply additional acquisitions. However, the acquisition does connect the park to a 600-acre isolated Forest Service tract that will require joinc Forest Service/National Park Service planning and consultation to achieve efficient management.

21) How does the National Park Service view the proposed development which will take place adjacent to the new Park boundaries?

Response: The remaining portion of the Baldpate development will be on the opposite side of the road and downslope and will not affect the aesthetic concerns, wildlife habitat, and migration routes or access that were significant concerns and problems for the park in the portion to be acquired.

22) Are there any other lands proposed for development adjacent to the Park? How does the Service intend to deal with those areas?

Response: About 40 percent of the lands adjacent to the park boundary are private lands. Approximately 50 percent of these lands have been developed, and the remainder is undeveloped. Both zoning and tax structure promote the development of these lands, and it is probable that the remaining 50 percent will be developed. In addition to working with county and local planning and zoning entities, the park is working with a local land trust, which in turn is working with landowners to protect access, wildlife, and aesthetic values without changes in the park boundary. Boundary changes would be proposed only in the case of needs for National Park Service activities or public use needs that can be met in no other ways. The National Park Service will, however, have to develop a position regarding lands that have park values that are offered in donation. We anticipate there will be occasions where this will arise, as it has several times in the past. The National Park Service presently reacts to problems or opportunities on a case-by-case basis, and a study of the entire east boundary is needed.

APPENDIX II

Additional Material Submitted for the Record

Board of County Commissioners
221-7010

Post Office Box 1190
Fort Collins, Colorado 80522

LARIMER COUNTY COLORADO

April 10, 1989

The Honorable Dale Bumpers
United States Senate
Committee on Energy and Natural Resources
Public Lands Sub-Committee
Washington, D.C. 20510

Dear Senator Bumpers:

The Board of County Commissioners of Larimer County, Colorado wish to express our support and encourage the adoption of the Bill sponsored by Senator Tim Wirth regarding the expansion of the eastern boundary of Rocky Mountain National Park.

A non-governmental private organization is acquiring property in Larimer County adjacent to the National Park for donation to the Park Service with the purpose of protecting this beautiful and accessible area from encroaching development. Congressional action is required to authorize the expansion of the park boundary and Senator Wirth, with the full support of the local area, is working to obtain the review and approval of the Senate.

Any consideration afforded to the expeditious review and consideration of this proposal will be appreciated by the citizens of Larimer County. The proposed area of expansion would definitely be an asset to the National Park System in terms of its scenic beauty and as a logical addition to the park boundary in an area of Larimer County that was zoned for development over 30 years ago.

Larimer County Board of Commissioners fully and enthusiastically support this type of public-private effort that permits preservation of our national resources for future generations with minimal impact on the public treasury.

If this Board can be of any assistance in this matter, please contact us at your convenience. Thank you for your consideration of this request.

Sincerely,

Daryle W. Klassen
County Commissioner

Courtlyn W. Hotchkiss
County Commissioner

M. J. "Moe" Mekelburg
County Commissioner

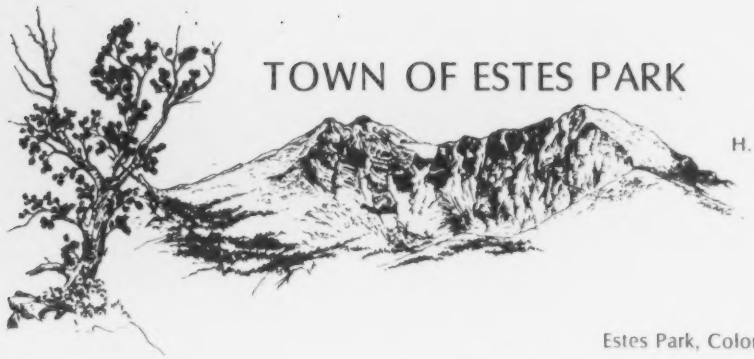
seb

BOARD OF COUNTY COMMISSIONERS

Courtlyn W. Hotchkiss
District I

M.J. "Moe" Mekelburg
District II

Daryle W. Klassen
District III



TOWN OF ESTES PARK

H. Bernerd Dannels
Mayor

Estes Park, Colorado 80517

May 24, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U. S. SENATE
Washington, DC 20510

Dear Chairman Bumpers:

On behalf of the Town of Estes Park, Colorado, we are requesting your support for Senate File #737, the legislation to expand the boundaries of Rocky Mountain National Park.

The proposed expansion would add Lily Lake and the Reichhardt properties to Rocky Mountain National Park. This expansion is located in a critical area that should be preserved for public view and use.

We are proud to be the neighboring Town to Rocky Mountain National Park.

If I can be of additional assistance to this endeavor, please contact me.

Sincerely,

TOWN OF ESTES PARK

H. Bernerd Dannels
Mayor

cc: Jim Thompson, Superintendent/Rocky Mountain National Park
Jim Crain, President/Estes Valley Land Trust, Inc.

P. O. Box 1200 Telephone (303) 586-5331

TAHOSA VALLEY LANDOWNERS'
ASSOCIATION, INC.
P.O. BOX 1605
ESTES PARK, COLORADO 80517

April 19, 1989

Honorable Dale Bumpers
Chmn. of Senate Sub Committee on
Energy, Natural Resources, & Pub. Lands
SD 229 Dirksen Senate Office Bldg.
Washington, DC 20510-0401

Dear Senator Bumpers:

On behalf of the Board of Directors and members of the Tahosa Valley Landowners Association, Inc., I urgently request that your committee support and aid in the passage of legislation in the Senate similar to House Bill 1606.

We wish to see legislation passed enabling Rocky Mountain National Park of Colorado to extend its boundaries to include the Lily Lake property. This is a pristine mountain area. The extension of the park boundaries to include this area would prevent encroachment on the park boundaries by developers.

Yours truly,

Walter O. Silkworth
Secretary-Treasurer

WS/ap

JANET ROBERTSON
WORDS & PICTURES
Professional Writing &
Photographic Services
1001 Pine Street
Boulder, Colorado 80302
(303) 442-7793

APR 21 10 09

The Honorable Dale Bumpers
U.S. Senate
Committee on Energy and Natural Resources
Public Lands Subcommittee
Washington, D.C. 20510

April 15, 1989

Dear Senator Bumpers:

I urge you to support a boundary change for Rocky Mountain National Park as described in H. R. 1606, a bill introduced by Congressman Hank Brown.

The intent of the bill is to incorporate a piece of property west of Highway 7 about six miles south of the town of Estes Park, Colorado, known to us locals as the Lily Lake property. For nearly fifty years I've admired this lovely piece of land which offers a splendid view of the spectacular snow-clad Mummy Range. The property in question also has four or five old log buildings unobtrusively situated on the far side of the lake. Several years ago the property, re-named Baldpate Estates, was purchased by developers who wanted to build condominiums and guest houses to the maximum density permitted, that is for up to 2,000 people. Despite the fact that local residents raised many questions about permitting such density: 1) because of the adverse visual impact; 2) because of possible abuses of private and national park land adjacent to Baldpate Estates; 3) because of a study that indicates there isn't enough water available for such a huge development; 4) because of fears that the local volunteer fire department district cannot adequately protect such a mini-town and 5) because of concerns about safe road access onto Highway 7, Larimer County gave a provisional go-ahead.

The beautiful Lily Lake property should remain the undeveloped, bucolic site that it is. Please support the boundary change that will permit it to become part of Rocky Mountain National Park.

Respectfully submitted,

Janet E. Robertson

Janet E. Robertson

WIND
RIVER
RANCH
P.O. BOX 3410
ESTES PARK
COLORADO
80517

May 19, 1989

Honorable Dale Bumpers
Chairman of Senate Sub. Committee on
Energy, National Resources, and Public Lands
229 Dirksen Senate Office Building
Washington, D.C. 20510-0401

Dear Mr. Chairman,

I urge your committee to extend the Eastern boundary of the Rocky Mountain National Park to include the Lilly Lake property. This move would be a tremendous plus to the east side of the Park, and would also give some relief to the crowding on the Longs Peak Trail Head.

This property is the beginning of the beautiful Tahosa Valley, which is basically unspoiled. I own a guest ranch just south of Lilly Lake. Our ranch dates back to 1876 and provides a further buffer to the Park.

As President of the Tahosa Valley Landowners Association for many years, I am convinced that some 200 landowners in the valley would be ever grateful if this park boundary change could be accomplished.

Very Truly Yours,

Robert J. Irvin

copy sent to;
Honorable Dale Bumpers
Honorable Bruce Vento

ESTES VALLEY LAND TRUST, INC.
P.O. Box 663, Estes Park, CO 80517

April, 19 1989

The Honorable Dale Bumpers, Chariman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U. S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

This letter is in support of the "Baldpate" bill, introduced by Senator Wirth as a companion bill to H.B. 1606, which provides for the enlargement of Rocky Mountain National Park to include Lily Lake (300 acres) and the Reichhardt property (160 acres).

A national conservation fund has agreed to purchase these properties and donate them to the United States if they are included within the Park boundaries.

These properties will make an important addition to the scenic and wildlife values of the Park. The Lily Lake property has been approved for the development of 300 double house sites. It, and the Reichhardt property to the north, lay between the National Park and Roosevelt National Forest. The owners of the properties are willing to sell to the potential donor if the tracts can be added to the Park in a timely fashion. It is worth noting that Lily Lake was the site of the "Mountain Man Rendezvous" scene in the TV version of Michner's "Centennial".

The Estes Valley Land Trust is a nonprofit corporation organized and supported by responsible local citizens. We are not opposed to development (I am a third generation developer), but we are concerned that the values of the Park and its surroundings be maintained.

We hope that you will see fit to expedite this bill. Please let us know what we can do to help.

Very truly yours,

Pieter Hondius

Pieter Hondius, Secretary
The Estes Valley Land Turst, Inc.

ROTARY INTERNATIONAL

Service Above Self — He Profits Most Who Serves Best

C. Grant Wilkins 1984-85 Governor, District 545
P.O. Box 22334 Denver, Colorado 80222 Bus: 303-692-9220 Res: 303-770-4422

Bill Calhoun, Jr. — Estes Park
Governor's Aide for Colo.
Area Representatives:
Jack Morrison — Steamboat Springs
Craig
Grand Lake
Kremmling
Steamboat Springs
Tom Bennett — Ft. Collins
Estes Park
Fort Collins
Ft. Collins Foothills
Johnstown
Loveland
Jack Rummel — Boulder
Boulder
Brighton
Broomfield
Ft. Lupton
Longmont
Northglenn
Dennis Lovaas — Lakewood
Arvada
Chatfield
Commerce City
Lakewood
Lakewood-Foothills
Westminster
Wheat Ridge
Brent Hobson — University Hills
Aurora
Denver
Englewood
Littleton
Smoky Hill
University Hills
Tim Hanning — Greeley
Brush
Fort Morgan
Greeley
Greeley Centennial
Wiggins
James Kontny — Julesburg
Akron
Sedgwick Co.
Sterling
Wray
Yuma
Dan Sullivan — Casper
Governor's Aide for Wyo., Nebr.
Area Representatives:-
Don Doughty — Thermopolis
Cody
Powell
Greybull
Worland
Thermopolis
Rick Hollon — Douglas
Buffalo
Casper
Douglas
Gillette
Ranchester — Dayton
Sheridan
Dick Jolliffe — Scottsbluff
Cheyenne
Laramie
Morrill
Scottsbluff
Torrington
Bernie Berger — Lander
Jackson Hole
Lander
Riverton
Lenn Jones — Kemmerer
Evanston
Green River
Kemmerer
Rawlins
Rock Springs

May 1, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
United States Senate
Washington, D. C. 20510

Dear Senator Bumpers:

Arkansas is a beautiful state as is Colorado, and we will continue to enjoy this pristine land even more if Rocky Mountain National Park is able to add 460 acres of land...including beautiful Lilly Lake... just west of historic Baldpate Inn.

This property will be donated to the Government by a national conservation fund. It is included in House Bill #1606 and will be covered in the Senate by a bill to be sponsored by Senator Tim Wirth

What a marvelous addition this will be to Rocky Mountain National Park and what a great way to prevent urban sprawl in our pristine valley.

Sincerely,

Bill Calhoun

Bill Calhoun
Box 2166
Estes Park,CO
80517

Estes Park,Colo
April 23,1989

The Honorable Dale Bumpers,Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U.S.Senate
Washington,D.C. 20510

Dear Mr.Bumpers;

We are very happy that legislation is being considered to annex Lily Lake and adjoining land to Rocky Mountain National Park.

This is especially fortunate as we understand there is a national conservation fund waiting for your okay and then will purchase this land and the lake -and donate them.

Many of us will be following this piece of legislation with the hope that it will pass both houses of Congress soon.

Sincerely,

Ruth and Dick Montgomery

Ruth & Dick Montgomery

Ruth & Dick Montgomery
1380 Willow Lane
Longs Peak Route
Estes Park, CO 80517

7310 Hwy #7
Estes Park, CO 80517
April 29, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

My wife and I wish to express our total approval of H.B. 1606 or any Senate bill in favor of the acquisition of the 460 acres on the west side of Colorado #7 for Rocky Mountain National Park.

If this land is developed into 300 double house sites as planned, it will become the door to intensive development of all Tahosa Valley. Such development already has been avoided by only a narrow margin. If this does happen, RMNP will be bordered on one side by suburbia. When I drive only once a year to the back of my property, the tracks remain the rest of the year. At 9,000 ft. growth is very slow. What will hundreds of homes do to the land and to the water supply?

Please approve this legislation quickly.

Sincerely,
Carl R. Waldeck
Eileen B. Waldeck

Carl R. Waldeck
Eileen B. Waldeck

April 21, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U. S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

Re: Senate Bill in Subcommittee on Energy and Natural Resources on additions to Rocky Mountain National Park

We, Ray and Louise Lindsey, would like you to know that we are supportive of this bill which will allow Rocky Mountain National Park to include Lily Lake and the Reichhardt properties in the Park.

This is really a "win-win" situation for everyone. The property owners, the Park, and especially the people are all winners.

We urge you to work to have this bill pass affirmatively out of your committee.

Sincerely yours,

Louise Lindsey
3199 Rockwood Lane North
Longs Peak Route
Estes Park, CO 80517
(303) 586-6725

Ray Lindsey
same address

Longs Peak Rt.
Estes Park, Colo, 80517
April 29, 1989

Re: H.B. 1606
Extension of Rocky Mt. Natl. Park to include
460 acres west of Colo. Highway 7-
Lily Lake property

Dear Chairman Bumpers,

As Chairman of the Committee on Energy, Natural Resources and Public Lands, we are sure you look favorably on this bill which we understand does not have a Senate number as yet.

This is to let you know how much it means to people living in the Tahosa Valley area along Highway 7. The additional acreage in the Park will do much to preserve the way of life we opted for when we bought property and moved here.

Thank you for anything you can do to get this bill passed as quickly as possible.

Sincerely

Roy and Arabel Heyen

ALBERT VELTHOEN
POST OFFICE BOX 324
ESTES PARK, COLORADO 80517

1989 MAY -1 PM 5:36

April 27, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Subcommittee
U.S. Senate
Washington, D.C. 20510

Re: Expansion of the boundaries of Rocky Mountain National Park to include Lily Lake and the Reichhardt Properties (House Bill #1606).

I wish to encourage your favorable support for the early passage of the above legislation which will entail no cost to the Federal Government.

I have been a resident of Colorado since 1964 and of Estes Park since 1981 and have seen one of our great assets, that being open mountain space, deminish at the hands of profit making developers. The beauty of the area being considered in this legislation must be preserved for future generations to enjoy without the scar of housing development.

I shudder to consider what would have happened to the areas within our National Parks had they not been preserved in the past through legislation for inclusion in the National Park System.

Sincerely,

Albert Velthoen

Estes Park, Colo
May 1, 1984

Hon. Dale Bumpers
Re: House Bill 1606

Dear Sen.:

We would like to state our support for this legislation.

It is our wish that this property be taken into Rocky Mt. National Park.

Edna Unger
Gladys Bryan

Mrs. Albert Velthoen
P. O. Box 324
Estes Park, Colorado 80517

April 29, 1989

The Honorable Dale Bumpers

Please give your approval on the bill to expand the boundaries of Rocky Mountain National Park to include Lily Lake and the Reichardt properties.

As a native of Colorado I am proud of our state, but we need to protect our open lands.

Future generations will not know this beauty if they are not protected.

Rocky Mountain National Park is one of our most important assets. Let us expand and protect it.

Sincerely,

Frances Velthoen

May 13, 1989

Enos Mills Cabin
Longs Peak
Estes Park, Colo 80517

Honorable Dale Bumpers
Chmn, of Senate Sub-Comm. on Energy, Natural Resources & Public Lands
229 Dirksen Senate Office Bldg.
Washington, D.C.. 20510-0401

Dear Honorable Bumpers,

We wish to urge your suppert of the legislation now in Congress to expand the the boundaries of Rocky Mountain National Park to include Lily Lake and the Reichhardt properties. "Scenery is a valuable natural resource, but its fragile"..

Sincerely

Enda Mills Kiley

May 2, 1989

Honorable Dale Bumpers
Chmn. of Senate Sub-Comm. on Energy, Natural Resources
and Public Lands
229 Dirksen Senate Office Bldg.
Washington, D. C. 20510-0401

We are in support of the legislation to expand the boundaries of Rocky Mountain National Park to include Lily Lake (approx. 300 acres), and the Reichhardt Properties (approx. 160 acres).

It is our hope that you will push for passage of this legislation.

Thank you.

Sincerely yours,

Donald L. Armagost

Betty Jane Armagost

Donald L. & Betty Jane Armagost

-3

April 24, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Energy and Natural Resources
Public Lands Committee
U. S. Senate
Washington, D.C. 20510

Dear Chairman Bumpers:

I would like to strongly support the inclusion of the Lilly Lake properties within the national park boundaries so that they may be acquired by the Federal Government for addition to the Rocky Mountain National Park.

The inclusion of these properties will eliminate most of the private land which exists between Forest Service Land which lies east of the National Park. Inclusion of these properties within the park boundaries is, I believe, critical for additional buffering needed for the park and also to provide for critical wildlife migration corridors. The addition of 300 to 600 units of residential housing immediately adjacent to Rocky Mountain National Park will have very serious and deleterious effects upon the park's ecosystem.

The continued urbanization near the Park is one of the most serious problems facing Rocky Mountain National Park at this time. Uncontrolled development which has been allowed by Larimer and Grand Counties, continues to threaten the Rocky Mountain National Park ecosystem.

I would encourage you to vote favorably for this bill to preserve some of the remaining open space around Rocky Mountain National Park for us in perpetuity.

Your vote in favor of this legislation would be greatly appreciated.

Sincerely,

James C. & Carol Crain

James C. and Carol N. Crain

2jcwash.49

June 1, 1989

The Hon. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
United States Senate
Room 229, Dirksen Office Building
Washington, DC 20510

Dear Senator Bumpers:

Russ Shay of Senator Tim Wirth's office informs me that S 737 has had an Administration hearing and suggested you should be advised, for the record, of our position on it. We, of course, favor the addition of beautiful parcels of land to our national parks system as long as the agency has the resources for proper management of them. We have another, but related, issue of an inequity for us that was created by the Rocky Mountain National Park Boundary Study of 1979 that needs to be corrected by S 737.

Our 2.7-acres with house were taken into the Park boundary as part of that study's parcel E-8, despite our protestations. Toward the end of correcting that inequity, we have prepared a packet entitled Harms Exclusion RMNP Boundary Adjustment that has been submitted to Senator Wirth. It has, as well, been submitted to Congressman David Skaggs as it relates to HR 1606, also.

A copy of the packet is enclosed, along with a copy of a letter from our attorney, Fred W. Clifford, requesting favorable action. These, along with accompanying cover letter copies to Senator Wirth and Congressman Skaggs, are submitted herewith for the record. In these cover letters we have asked for either a write-up on the bill(s), or an amendment to the bill(s), that will effect this important change to the status of our property, i.e., exclusion from the boundary of Rocky Mountain National Park.

We appreciate your efforts to give this request a thorough hearing.

Sincerely,

Gayle W. Harms
Howard L. Harms

P. O. Box 426
Allenspark, CO 80510

c.c.: The Hon. Timothy E. Wirth; The Hon. David E. Skaggs
Fred W. Clifford, Esq.

(Committee Note.--The materials submitted have been retained in subcommittee files.)

FRED W. CLIFFORD
ATTORNEY AT LAW

NATIONAL BANK OF THE ROCKIES BUILDING
1819 - 14TH STREET, SUITE 305
BOULDER, COLORADO 80302
TELEPHONE (303) 440-4888

April 27, 1989

The Honorable Timothy E. Wirth
Russell Senate Office Bldg.
Room 380
Washington, D.C. 20510

Dear Senator Wirth:

I have been asked to correspond with you by Gayle and Howard Harms of Allenspark, Colorado. Recently they wrote to you on April 7, 1989 regarding the exclusion of their property from Rocky Mountain National Park. Their property was included in the Park via the boundary adjustment of 1980. Your office has extensive materials concerning the request by Mr. and Mrs. Harms to be excluded from the Park including supporting petitions of their neighbors. I am enclosing for review by appropriate individuals a proposed amendment to Senate Bill 737 together with the deed containing the legal description of the Harms' property. The drafters of the Senate Bill may want to include the legal description in the Bill.

The grounds for the exclusion are that the Harms are not willing sellers, the small acreage (2.7 acres) and lack of significant values. I am enclosing a photocopy from Rocky Mountain National Park boundary study dated July, 1979, which is taken from the study entitled Rocky Mountain National Park Boundary Study, July, 1979 prepared by the United States Department of the Interior/National Park Service, United States Department of Agriculture - Forest Service at page 63. The Harms' property is included within the area designated as E-8. The area noted as E-3 was, by this study, marked for inclusion but ultimately was excluded for the reasons previously cited above to support the Harms' request for exclusion. I am enclosing from the same study Chapter 5, Page 75 an excerpt which contains the grounds for which the Harms are seeking exclusion.

On behalf of the Harms I ask for your help in seeing that the amendment is included in Senate Bill 737. I will be glad to work with any of the members of your office if that is necessary.

Thank you for your time and attention to this matter.

Very truly yours,

Fred W. Clifford

FWC:bc
Enclosures

c. Gayle and Howard Harms

Josie Heath, Boulder County Commissioner
P.O. Box 471
Boulder, CO 80306

Richard Straight, Associate Regional Director
Planning and Resources Preservation
Rocky Mountain Regional Office
National Park Service
P.O. Box 25287
Denver, CO 80225